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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-360

12 **MICHELE MARIE ELLIS, aka**  
13 **MICHELE M. ELLIS**  
Post Office Box 1702  
14 South Lake Tahoe, California 96156

**A C C U S A T I O N**

15 Registered Nurse License No. RN 375442

16 Respondent.

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **License History**

23 2. On or about August 31, 1984, the Board issued Registered Nurse License  
24 Number 375442 ("license") to Michele Marie Ellis, also known as Michele M. Ellis  
25 ("Respondent"). The license expired on January 31, 2008.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,  
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to  
10 proceed with a disciplinary action during the period within which the license may be renewed,  
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or  
14 licensed nurse or deny an application for a certificate or license for any of  
the following:

15 (a) Unprofessional conduct, . . .

16 (f) Conviction of a felony or of any offense substantially  
17 related to the qualifications, functions, and duties of a registered nurse, in  
18 which event the record of the conviction shall be conclusive evidence  
thereof.

#### 19 **COST RECOVERY**

20 7. Code section 125.3 provides, in pertinent part, that the Board may request  
21 the administrative law judge to direct a licensee found to have committed a violation or  
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
23 and enforcement of the case.

#### 24 **CAUSE FOR DISCIPLINE**

##### 25 **(Criminal Conviction)**

26 8. Respondent is subject to disciplinary action under Code section 2761,  
27 subdivision (f), in that on or about December 8, 2006, in the Superior Court of California,  
28 County of El Dorado, in the case entitled, *People of the State of California v. Michele M. Ellis*


(Super Ct. El Dorado County, 2006, Case No. P06CRM0902), Respondent was convicted on her plea of nolo contendere of one misdemeanor count violating Health and Safety Code section 1290, subdivision (c), which provides "[a]ny person who willfully or repeatedly violates this chapter . . . , or any rule or regulation adopted under this chapter, relating to the operation or maintenance of a long-term health care facility as defined in Section 1418, is guilty of a misdemeanor . . . ." The circumstances of the crime are that on or about September 14, 2005, while functioning as a Director of Nurses at El Dorado Care Center, a skilled nursing facility, and having full responsibility for the care or custody of an elder, Respondent failed as a mandate reporter to report the abuse of an elderly person. Such crime is substantially related to the functions, duties, and qualifications of a registered nurse.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 375442 issued to Michele Marie Ellis, also known as Michele M. Ellis;
2. Ordering Michele Marie Ellis, also known as Michele M. Ellis, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/18/08

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant